

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
Filed: November 6, 2014

* * * * *	*	UNPUBLISHED
JANE TOMASSETTI,	*	
	*	No. 13-234V
Petitioner,	*	
	*	Special Master Dorsey
v.	*	
	*	Attorneys' Fees and Costs;
SECRETARY OF HEALTH	*	Reasonable Amount Requested to which
AND HUMAN SERVICES,	*	Respondent Does not Object.
	*	
Respondent.	*	
	*	
* * * * *	*	

Ronald C. Homer, Conway, Homer & Chin-Caplan, P.C., Boston, MA, for petitioner.
Voris E. Johnson, Jr., U.S. Department of Justice, Washington, DC, for respondent.

ATTORNEYS' FEES AND COSTS DECISION¹

On April 4, 2013, Jane Tomassetti filed a petition pursuant to the National Vaccine Injury Compensation Program.² 42 U.S.C. §§ 300aa-1 to -34 (2006). Petitioner alleged that she suffered from Chronic Inflammatory Demyelinating Polyneuropathy ("CIDP") as a result of an influenza vaccine she received on November 5, 2010. On July 10, 2014, a decision was entered based on the parties' stipulation awarding compensation to petitioner.

On November 5, 2014, the parties filed a Stipulation of Fact Concerning Attorneys' Fees and Costs. According to the stipulation, the parties stipulate to a total award to petitioner of

¹ Because this decision contains a reasoned explanation for the undersigned's action in this case, the undersigned intends to post this decision on the website of the United States Court of Federal Claims, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, the entire decision will be available to the public. Id.

² The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-1 to -34 (2006) (Vaccine Act or the Act). All citations in this decision to individual sections of the Vaccine Act are to 42 U.S.C.A. § 300aa.

attorneys' fees and costs in the amount of \$20,239.86. In accordance with General Order #9, petitioner's counsel represents that petitioner personally advanced \$66.38, in reimbursable costs in pursuit of her claim.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. 42 U.S.C. § 300 aa-15(e). Based on the reasonableness of the parties' stipulation, the undersigned **GRANTS** the request for approval and payment of attorneys' fees and costs.

Accordingly, an award should be made as follows:

- (1) in the form of a check **jointly payable to petitioner and to petitioner's attorney,** Ronald C. Homer, of Conway, Homer and Chin-Caplan, P.C., in the amount of **\$20,239.86;**
- (2) in the form of a check payable to **petitioner only** in the amount of **\$66.38.**

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.³

IT IS SO ORDERED.

s/Nora Beth Dorsey
Nora Beth Dorsey
Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS**

JANE TOMASSETTI,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

No. 13-234V (ECF)

Special Master Dorsey

**STIPULATION OF FACT CONCERNING
ATTORNEYS' FEES AND COSTS**

It is hereby stipulated by and between the parties, the following factual matters:

1. Ronald C. Homer, Esq., of the law firm Conway, Homer & Chin-Caplan, P.C., is the attorney of record for petitioner in this matter.
2. On October 24, 2014, petitioner filed her Application for Attorneys' Fees and Costs ("Application").
3. In informal discussions, respondent raised certain objections to petitioner's Application. As a result, petitioner agreed to amend her request for fees and costs in this matter to seek reimbursement for:
 - (a) attorneys' fees and costs for the law firm Conway, Homer & Chin-Caplan, P.C., in the amount of \$20,239.86; and,
 - (b) \$66.38 in out-of-pocket expenses for petitioner, as represented by petitioner's counsel in compliance with General Order #9.
4. Respondent does not object to the amended request.
5. The parties now request that a decision awarding the attorneys' fees and costs described in paragraph 3 of this Stipulation be issued, directing payment in the form a check for \$20,239.86 made payable jointly to petitioner and petitioner's counsel, and a check for \$66.38 made payable solely to petitioner.
6. Nothing in this Stipulation, including the amount set forth in paragraph 3, should be construed as an admission, concession, or waiver by either party as to any of the matters raised by petitioner's request for attorneys' fees and costs, including

but not limited to the hourly rates requested, the number of hours requested, and other litigation-related costs.

Respectfully Submitted,

Dated: November 5, 2014

By: s/Ronald C. Homer by s/VEJ
RONALD C. HOMER
Attorney for Petitioner
Conway, Homer & Chin-Caplan, P.C.
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Boston, MA 02116
(617) 695-1990

Dated: November 5, 2014

By: s/Voris E. Johnson, Jr.
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